



ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS

Lauren W. Kingry
Superintendent of Financial Institutions

Janice K. Brewer
Governor

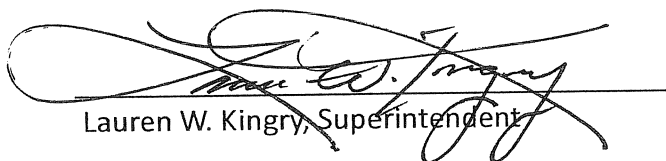
NON-DISCRIMINATION POLICY

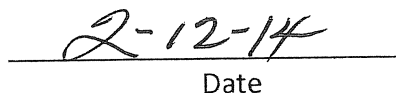
The Arizona Department of Financial Institutions (AZDFI) is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunity and prohibits discriminatory practices, including harassment. Therefore, the Arizona Department of Financial Institutions commits itself to the attached Non-Discrimination policy.

- The Arizona Department of Financial Institutions has developed this policy to ensure that all its employees can work in an environment free from harassment, discrimination and retaliation.
- The Arizona Department of Financial Institutions will make every reasonable effort to ensure that all concerned are familiar with this policy and aware that any complaint of violation of such policies will be investigated and resolved appropriately.
- The Arizona Department of Financial Institutions will post our Equal Opportunity Policy Statement. This policy is available on the AZDFI website at www.azdfi.gov and is also posted on the employee bulletin board, just outside of AZDFI's kitchen, at 2910 N. 44th St., Suite 310, Phoenix, AZ 85018.
- All employment announcements shall include the phrase.

"Arizona State Government is an EOE/ADA Reasonable Accommodation Employer"

As Superintendent of the Arizona Department of Financial Institutions, I am committed to the principles of Equal Employment Opportunity. To ensure the dissemination and implementation of the Equal Opportunity Policy throughout all levels of the Department, Mike Fowler shall serve as the Equal Opportunity Administrator for the Arizona Department of Financial Institutions. Mike Fowler may be contacted at (602)771-2781 or MFowler@azdfi.gov


Lauren W. Kingry, Superintendent


Date

Any employee who has any questions or concerns about this policy should talk with **AZDFI Human Resources at 602-771-2782** or the Governor's Office of Equal Opportunity, <http://azgovernor.gov/eop/index.asp>, 602-542-3711

**ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS
POLICIES AND PROCEDURES**

Employee Complaint Process – Allegations of Unlawful Discrimination or Harassment

Issued: April 1, 2013

This policy does not create a contract for employment between any Arizona Department of Financial Institutions employee and the Department. Nothing in this policy changes the fact that all uncovered employees of the Arizona Department of Financial Institutions are at-will employees and serve at the pleasure of the appointing authority.

Scope:

This policy applies to all Arizona Department of Financial Institutions employees.

Authority:

A.R.S. § 41-1401 et seq., Arizona Civil Rights Act (ACRA)
Civil Rights Act of 1991, as amended
R2-5A-104, Prohibition Against Discrimination, Harassment and Retaliation
R2-5A-501, Standards of Conduct
R2-5A-901, Complaint System
R2-5A-902, Complaint Procedures
Title VII of the Civil Rights Act of 1964, as amended

Definitions:

"Department" means the Arizona Department of Financial Institutions.

"Department Complaint Coordinator" means the Administration Division Manager within the Department, who is responsible for receiving complaints, determining applicability under the complaint system, investigating or assigning the complaint to the appropriate individual within the Department for review or investigation, and tracking the processing of complaints.

"Disability" refers to:

- A physical or mental impairment that substantially limits a major life function of an individual;
- Having a history of such an impairment; or
- Being regarded as having such impairment.

"Discrimination" includes, but is not limited to:

- Preferential treatment of one individual or group over another similarly situated individual or group because of the individual's or group's race, color, religion, sex, pregnancy, age, national origin, genetic information or disability;
- Sexual harassment;
- Harassment of any individual because of the individual's race, color, religion, sex, pregnancy, age, national origin, genetic information or disability; and

- Failing or refusing to provide a reasonable accommodation to a qualified person with a disability.

"Discrimination because of disability" refers to:

- Treating an individual with a disability less favorably than a similarly situated person without a disability;
- Favoring a person with one disability over a person with a different disability; and
- Refusing to provide a reasonable accommodation which is necessary to enable a qualified individual with a disability to perform the essential functions of his or her job.

"Harassment because of race, color, religion, sex, pregnancy, national origin, age, genetic information or disability" involves unwelcome and unsolicited conduct which is predicated upon an individual's race, color, religion, sex, pregnancy, national origin, age, genetic information or disability when (1) submission to the conduct is made either explicitly or implicitly a term or condition of employment; (2) submission to or rejection of such conduct by an employee is used as a basis for an employment decision affecting the employee; or (3) the conduct has the purpose or effect of substantially interfering with an employee's work performance and creating a hostile, intimidating or otherwise offensive working environment. Prohibited harassment includes, but is not limited to:

- Derogatory comments, epithets or slurs directed at an individual because of that individual's race, color, religion, sex, pregnancy, national origin, age, genetic information and/or disability;
- Posting or circulating written or graphic materials, including but not limited to, cartoons, pictures, posters, or calendars containing derogatory comments, epithets or slurs based upon an individual's race, color, religion, sex, pregnancy, national origin, age, genetic information and/or disability; and
- Abusive or derogatory remarks or conduct targeted at identifiable groups which are identified based upon their race, color, religion, sex, pregnancy, national origin, age, genetic information and/or disability.

"Sexual Harassment" means unwelcome and unsolicited conduct of a sexual nature when (1) submission to the conduct is made either explicitly or implicitly a term or condition of employment; (2) submission to or rejection of such conduct by an employee is used as a basis for an employment decision affecting the employee; or (3) the conduct has the purpose or effect of substantially interfering with an employee's work performance and creating a hostile, intimidating or otherwise offensive working environment. Examples of conduct that can violate this policy include, but are not limited to:

- Explicit sexual behavior by a supervisor, manager, co-worker, visitor, client or other entity with whom the employee interacts during the course of employment
- Implicit request for sex

- Direct or indirect pressure for dates or sexual activity
- Pinching, patting or other unwelcome touching
- Leering or gawking
- Posting or circulating of sexually graphic materials including, but not limited to, cartoons, pictures, posters or calendars
- Sexually derogatory comments, including slurs, jokes and other inappropriate remarks
- Reprisals or threats after a negative response to sexual advances
- Unwelcome sexual advances
- Conditioning favorable terms and conditions of employment upon a positive response to abusive remarks or conduct targeted at only one sex, even if the context of the abusive remarks is not sexual

Policy:

The Arizona Department of Financial Institutions is committed to the prohibition against unlawful discrimination, harassment and retaliation in the workplace. It is the policy of the Arizona Department of Financial Institutions that all Department employees shall comply with all federal and state anti-discrimination laws. Arizona Department of Financial Institutions and its employees shall not unlawfully discriminate against any individual with regard to the terms and conditions of employment, including hiring, pay, leave, insurance benefits, retention, and rehiring. All allegations of discrimination will be promptly investigated, and any employee who engages in conduct in violation of this policy may be disciplined or separated from state employment.

Equal Employment Opportunity. The Arizona Department of Financial Institutions shall provide equal employment opportunity for all individuals regardless of race, color, national origin, religion, age, disability, genetic information, sex, pregnancy, military or veteran status, or any other status protected by federal law, state law, or regulation. It is the policy of the Arizona Department of Financial Institutions that all individuals are treated in a fair and non-discriminatory manner throughout the application and employment process.

Harassment Prohibited. Harassment of a sexual nature or harassment based on race, color, national origin, religion, age, disability, genetic information, sex, pregnancy, military or veteran status, or any other status protected by federal law, state law, or regulation is prohibited. The Arizona Department of Financial Institutions prohibits the unlawful harassment of any employee in the course of the employee's work by supervisors, coworkers, or third parties, such as vendors or customers. Any Department employee who engages in unlawful harassment may be disciplined or separated from state employment.

Protection from Retaliation. The Arizona Department of Financial Institutions does not permit or tolerate retaliation against anyone for raising a concern about, assisting in an

investigation of, or filing a complaint in good faith concerning unlawful discrimination or harassment. Any Department employee found to have engaged in retaliation against another individual for reporting or assisting in the investigation of any allegation of unlawful discrimination may be disciplined or separated from state employment.

It is the responsibility of all Department employees to promptly bring any allegation of unlawful discrimination, harassment or retaliation to the attention of the Department. Any complaint alleging unlawful discrimination, harassment or retaliation must be submitted in accordance with the procedures described in this policy and not under the Arizona Department of Financial Institutions' Employee Grievance Policy.

This policy does not affect other rights and remedies under federal and state statutes prohibiting employment discrimination. Employees who believe that they have been subjected to discrimination because of their race, color, religion, sex, pregnancy, age, national origin, genetic information or disability may also file charges of employment discrimination with the Arizona Attorney General's Civil Rights Division and with the Equal Employment Opportunity Commission. Charges filed with the Arizona Civil Rights Division must be filed within 180 days following the most recent act of discrimination; charges filed with the Equal Employment Opportunity Commission must be filed within 300 days following the most recent act of discrimination. The filing of an internal complaint of discrimination pursuant to this policy will not impact those statutes of limitations. No employee of this Department who elects to file a charge with either the Arizona Attorney General's Civil Rights Division or the Equal Employment Opportunity Commission, or who testifies in an investigation by either of those agencies, will be retaliated against or denied internal rights or remedies on account of that charge filing or testimony.

Matters Subject to the Complaint Procedure:

This procedure shall be used by an employee to file a complaint with the Department Complaint Coordinator within 180 days of the action giving rise to the complaint and to clearly outline the allegations to be addressed, including whether the basis of the complaint is based on:

1. Unlawful discrimination based on race, color, religion, sex (including pregnancy), age, national origin, genetic information or on the basis of a disability.
2. Allegation of sexual harassment or other form of harassment.
3. Retaliation for filing a complaint.
4. Retaliation or intimidation for exercising any right under state or federal law.

Preparation

A complainant shall not be allowed the use of state time or state property to prepare a complaint, prepare for a meeting with Department management or to meet with a representative. Subject to supervisory approval and the operational needs of the unit, a complainant may request available compensatory or annual leave for this purpose.

Multiple complaints

Multiple complaints by an employee may be consolidated into a single complaint. Separate complaints filed by two or more employees regarding the same issue or issues may be consolidated into a group complaint. Employees having a common complaint may submit one group complaint, identifying one complainant as the selected spokesperson for the group. Employees who choose to file a group complaint are prohibited from filing separate complaints on the same issue.

Amendments

Once a complaint is submitted to the Department Complaint Coordinator, it may not be amended. If additional documentation is submitted by the complainant after the initiation of the complaint, the reviewing or investigating official may remand the complaint to the complainant for reconsideration and resubmission.

Complaint Procedure:

An employee, who has an allegation of or becomes aware of a situation involving unlawful discrimination, harassment or retaliation, shall report the allegation or complaint by submitting an Employee Complaint Form to the Department Complaint Coordinator. The Complaint Coordinator can be reached at (602) 771-2781 or 2910 N. 44th Street, Suite 310, Phoenix, Arizona 85018.

The complaint shall include all facts and circumstances involved in the alleged violation, including the following information:

1. Description of the incident(s),
2. Name(s) of individual(s) involved,
3. Name(s) of witness(es),
4. The date(s) the discrimination or harassment occurred (if known),
5. Resolution sought,
6. Federal or state law alleged to have been violated.

The Department Complaint Coordinator shall:

1. Notify the Superintendent of the complaint upon receipt of the complaint.
2. Acknowledge receipt of the complaint in writing to the complainant not later than five business days after receipt of the written complaint.
3. Initiate an investigation into the alleged complaint or assign the complaint to a qualified individual within the Department for review or investigation within 10 business days. The review or investigation shall be completed within 60 business days of receipt of the written complaint. If extenuating circumstances exist, an extension shall be requested through the Department Complaint Coordinator.
4. Forward a written recommendation to the Superintendent within 10 business days of completion of the review or investigation barring resolution of the complaint by agreement of the parties.

The Superintendent or designee shall review the findings and recommendations and issue a decision in writing to the complainant. A copy of the response shall be provided to the Department Complaint Coordinator.

Review by Director of the Arizona Department of Administration (ADOA)

If the complainant is not satisfied with the Superintendent's decision on a complaint alleging unlawful discrimination, harassment or retaliation, he/she may elevate the complaint to the Director of the Department of Administration (ADOA) within five business days after receipt of the Superintendent's decision. The ADOA Director will furnish a copy of the ADOA Director's decision to the Superintendent and the complainant within 20 business days following receipt of the complaint by the ADOA Director. The 20 business days may be extended by the ADOA Director with the concurrence of the complainant. The decision of the ADOA Director is the final step in the complaint procedure. The ADOA Director's response will refer the employee to the appropriate entity if the employee is dissatisfied with the final step of the complaint procedure.

Related Forms:

Arizona Department of Financial Institutions' *Employee Complaint Form*

Corresponding Policies:

None

Contact:

If you have any questions related to this policy, please contact the Department Complaint Coordinator at (602) 771-2781.

ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS
EMPLOYEE COMPLAINT FORM

Employee Instructions: Please provide all information and retain a copy for your records. TYPE or PRINT LEGIBLY. Information concerning the complaint process is provided on the next page. Complaints SHALL be submitted to: ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS - Administrative Manager 2910 N 44th Street, Suite 310, Phoenix, AZ 85018

FOR OFFICE USE ONLY

Complaint Tracking Number

Name

Division

EIN

Work Phone

Job Title

Supervisor's Name

Complaint of Alleged Discrimination based on (check appropriate box(es)):

Race

Color

Sex

Age

Religion

Pregnancy

Disability

Genetic Information

National Origin

Retaliation for Prior Civil Rights Activity

Other (Specify)

Type of Action (check appropriate box(es)):

Demotion

Discharge/Termination

Reasonable Accommodation

Failure to Hire

Forced Resignation

Sexual Harassment

Non-Promotion

Reduction-in-Force (RIF)

Non-Sexual Harassment

Discipline

Equal Pay

Other (Specify)

Date(s) of Occurrence:

Please describe the incident that occurred in detail. Include all relevant information including name(s) of individual(s) involved, witness(es), state or federal law allegedly violated, etc. Use additional sheets to explain the issue(s), if necessary.

What resolution are you seeking?

Employee Signature

Date

ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS

EMPLOYEE COMPLAINT PROCESS

Responsibilities

ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS is committed to the prohibition against unlawful discrimination, harassment and retaliation in the workplace. It is the responsibility of all Department employees to promptly bring any allegation of unlawful discrimination, harassment or retaliation to the attention of the Department. Any complaint alleging unlawful discrimination, harassment or retaliation must be submitted in accordance with the procedure described in the Employee Complaint Process Policy.

Initiating the Complaint

To initiate the complaint process, the Employee Complaint Form must be completed and submitted to the Complaint Coordinator as soon as possible after the occurrence of the act or condition complained of, and not later than 180 calendar days after the action giving rise to the complaint. The complaint shall include a description of the incident(s), list of individual(s) and witness(es) involved, date(s) the discrimination, harassment or retaliation occurred (if known), the resolution sought, and the state or federal law alleged to have been violated. The Complaint Coordinator can be reached at 602-771-2789 or 2910 N 44th Street, Suite 310, Phoenix, AZ 85018.

The review or investigation of the complaint shall be completed within 60 business days of receipt of the written complaint. The Director or designee shall review the findings and recommendations and issue a decision in writing to the complainant. An employee who does not initiate the complaint within the 180 calendar day period waives the right to file that complaint.

Elevating the Complaint

If the complainant is not satisfied with the Superintendent's decision on a complaint alleging unlawful discrimination, harassment or retaliation, he/she may resubmit the complaint to the ADOA Director within 5 business days after receipt of the Superintendent's decision. The ADOA Director will appoint an individual who is not an employee of the Department and who serves in a position that is assigned to manage an agency's employee relations or investigations work unit to investigate the resubmitted complaint. The investigator shall conduct an investigation and furnish a copy of the findings and final decision to the Superintendent and the complainant, within 20 business days following receipt of the complaint by the investigator. This is the final step in the agency complaint process.